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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,329	03/12/2004	Ronald D. Shippert	1684-109	1668
22442	7590	09/19/2005	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			ROST, ANDREW J	
			ART UNIT	PAPER NUMBER
			3751	

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,329

Applicant(s)

SHIPPERT, RONALD D.

Examiner

Andrew J. Rost

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/12/2004</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The disclosure includes the following informalities: Page 7 Line 8, the handle is misnumbered and should be "handle 140".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 8 recites the limitation "said knob" in the second line of claim 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16, 18 and 19, are rejected under 35 U.S.C. 102(b) as being anticipated by Oscarsson (4,645,496).

Regarding claim 1, Oscarsson discloses a flow control device that includes a body (A in Figures 2 and 5) having a conduit (internal passageway 74 in Figure 2) and

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valve bore (64 in Figure 7), a valve which contains a stem (52 in Figure 2) having an opening (bypass passageway 112 in Figure 3), a handle (122) and a flange (120) with the handle contacting the flange when the valve is in the open position (Figure 5).

In regards to claim 2, the flange (120) includes a boss (128) and a channel formed by the boss receiving the handle (Figure 2).

In regards to claim 3, Figure 2 of Oscarsson shows the tapered guide surface (126) tapered inwardly toward the body.

In regards to claim 4, the flange (120) is integral with the body (A).

In regards to claim 5, Figure 7 of Oscarsson shows a portion (88) of the stem tapered inwardly from the handle.

In regards to claim 6, Oscarsson discloses the snap-locked between the stem and the valve bore (50) (Column 7, lines 17-19). Thus, it is interpreted as that the stem is held in the valve bore independently of any fastener different from the flange.

In regards to claim 7, Figure 5 shows a head (134) with an inlet and an outlet with the valve being closer to one end then the other.

In regards to claim 8, Oscarsson discloses a valve with a stem, handle, a knob (outward flange 88 in Figure 4), and a flange.

Regarding claim 9, Oscarsson discloses a flanged joined to a valve body having a stem with an open and closed position with a handle joined to the stem.

In regards to claim 10, Oscarsson discloses a flange with a boss defining a tapered guide surface (126) tapered inwardly toward the body for receiving the handle.

In regards to claim 11, Oscarsson shows a portion (88) of the stem tapered inwardly from the handle (Figure 7).

In regards to claim 12, the flange (120) is integral with the body (A).

In regards to claim 13, Figure 5 of Oscarsson shows the stem being contacted between the flange and the handle.

Regarding claim 14, Oscarsson discloses a valve that uses a flange, stem and handle to open and close the valve.

In regards to claim 15, the opening of the valve causes inward movement of the stem (Figure 3).

In regards to claim 16, Oscarsson shows a tapered guide surface in contact with the handle (Figure 7).

6. Claims 1, 4-9, 11-14 and 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Manska (5,156,186).

Regarding claims 1, 6, 9, 13, 18 and 19, Manska discloses an one-hand operable valve including a body (23 in Figure 2) with a conduit and valve bore (central bore 24 in Figure 2), a valve (stopcock 10 in Figure 1) which contains a stem (rotatable member 40 in Figure 2) having an opening (groove 46 in Figure 2), a handle (driving members 50 and 52 in Figure 1) and a flange (support members 32 and 34 in Figure 1) with handle (52) contacting the flange (34) when the valve is in the open position (Figure 1). The stem member is held in the bore by the use of a protrusion (43 in Figure 2) that extends

around the one side of the stem that is positioned over a lip (45 in Figure 2) of the body in order to retain the stem with the valve bore (Column 4, Line 19).

In regards to claims 4 and 12, the flange (32 and 34 in Figure 1) is a part of the wing structure (30 in Figure 2) that is rigidly attached to the main body (23 in Figure 2). The rigid connection is taken to be integral with the body.

In regards to claims 5 and 11, the stem contains small annular shoulders (44 and the end tip of the stem in Figure 2) that decrease the diameter of the stem in a linear fashion.

In regards to claim 7, the conduit runs through the valving mechanism with an inlet and an outlet with the valve being closer to one end than the other.

In regards to claim 8, Manska discloses a valve with a stem, handle, a knob (head 88 in Figure 1), and a flange.

Regarding claim 14, Manska discloses a valve that uses a flange, stem and handle to open and close the valve.

7. Claims 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Clement (5,019,054).

Regarding claim 14, Clement discloses a valve that uses a flange (protrusion 74), stem (rotor 50) and handle (engaging portion 60) to open and close the valve and opening the valve involves engaging the handle and flange.

In regards to claim 15, Figure 2 of Clement shows the inward movement.

In regards to claim 16, Figure 2 of Clement shows the tapered guide surface (70).

In regards to claim 17, Clement shows two passageways (64a, 64b) located at different angles (Figure 7). Thus, it is inherent that the valve can be fully opened by moving the handle two different distances.

In regards to claims 18 and 19, Clement shows the device having a body portion forming a valve bore and the stem is held in the valve bore by frictional between the bore and the stem (Column 3, lines 43-46).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shippert (4,568,332) shows a medical suction device with a rotating valve. Strecker shows a thumb controlled rotary valve. Ebert shows valve lift plug valve for fluid control. Hinrichs shows another variation of a lift plug valve for fluid control. Neal shows a plug valve for a fluid flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:30-5 M-Th and 7:30-5 every other Friday.

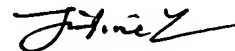
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew J Rost
Examiner
Art Unit 3751



JUSTINE R. YU
SUPERVISORY PATENT EXAMINER
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8/22/05